

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CARL BURTON,

Plaintiff,

v.

Case No. 11-14107

STATE FARM MUTUAL INSURANCE
AUTOMOBILE COMPANY and
GREYHOUND LINES, INC.,

Honorable Patrick J. Duggan

Defendants.

ORDER

At a session of said Court, held in the U.S.
District Courthouse, Eastern District
of Michigan, on October 17, 2012.

PRESENT: THE HONORABLE PATRICK J. DUGGAN
U.S. DISTRICT COURT JUDGE

This matter is before the Court on Defendant Greyhound Lines, Inc.'s motion to preclude Plaintiff from any claim for future damages.

The basis for Defendant's claim is that, although Plaintiff appeared for an independent medical examination (IME) as scheduled on June 1, 2012 with Dr. Philip Mayer, Plaintiff "completely refused to cooperate in any manner whatsoever with the examining physician, Dr. Mayer." Plaintiff denies that he failed to cooperate.

An additional IME was scheduled before Steve R. Geiringer, M.D. for June 25, 2012. Plaintiff failed to attend an IME before Dr. Geiringer.

Defendant contends that, because Plaintiff failed to cooperate with respect to the IME

before Mayer, and failed to attend the IME before Dr. Geiringer, Plaintiff should be precluded from presenting any claim for future damages.

The hearing on Defendant's motion was held on October 11, 2012. After hearing arguments by counsel for Defendant Greyhound Lines, and counsel for Plaintiff, the Court concluded that Defendant's motion should be denied on the condition that Plaintiff submit to independent medical examinations with both Dr. Mayer and Dr. Geiringer. Both parties agree that an attorney for Plaintiff and an attorney for Defendant Greyhound Lines may be present at the time of these scheduled IMEs.

Therefore, Defendant Greyhound Lines, Inc.'s motion to preclude Plaintiff from any claim for future damages is **DENIED**.

Plaintiff shall be required to pay Dr. Geiringer because of Plaintiff's failure to attend the scheduled IME before him.

SO ORDERED.

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:

Mark E. Boegehold
Mark Shreve
Elaine Marie Sawyer